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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 January 1998]

GE.98-10463 (E)

1. The International Federation of Human Rights (FIDH) and the Viet Nam Committee on Human Rights are deeply concerned by the widespread abuse of human rights and violations of the fundamental freedoms guaranteed by the International Covenant on Civil and Political Rights (ICCPR), notably the freedoms of expression, the press and opinion.

2. In the Socialist Republic of Viet Nam (SRV), 1997 has been a year of continuous social unrest, with tens of thousands of peasants demonstrating in the rural provinces of Thai Binh (north) and Dong Nai (south). This illustrates an increasing discontent within the Vietnamese population, 80 per cent of whom live in rural areas which are largely excluded from the urban-focused process of economic development.

3. These riots, triggered by corruption among local officials, State abuse of land-use rights and crushingly heavy taxation, appear to be the people's only means of expressing their grievances in a society which tolerates no criticism. All demonstrations in the SRV, however peaceful, are quelled by the Vietnamese authorities by means of repression, increased deployment of Security Police forces, arbitrary arrest and "self-criticism" sessions. Following the recent rural protests, several hundred demonstrators were arrested in Thai Binh province in July.

4. By virtue of the Vietnamese Communist Party's monopoly, enshrined in the 1992 SRV Constitution, no private associations may be formed outside the VCP, and the media are under tight State control. Press freedom is further hampered by restrictive legislation and arbitrary practices. On 8 October 1997, Nguyen Hoang Linh, editor-in-chief of the business newspaper Doanh Nghiep, was arrested on charges of violating "State secrets" for reporting on a high-level corruption affair involving the People's Army. The journalist's arrest came in the midst of a concerted government campaign to clamp down on official corruption. He faces a prison sentence of 2 to 15 years.

5. The FIDH and the Vietnam Committee regret that the Vietnamese authorities refuse to engage in a constructive dialogue with the people, and persist in flatly suppressing dissent and all forms of complaint deemed to be politically inconvenient. This is inconsistent with the SRV's binding international commitments, particularly with regard to the ICCPR to which the SRV is a party.

6. The organizations recall the cases of former communist cadres and intellectuals Hoang Minh Chinh, Le Hong Ha, Do Trung Hieu, Ha Si Phu, etc. who were arrested, intimidated and imprisoned because of their peaceful appeals for democratic reforms and the respect of human rights. In the first three months of 1997, as part of a nationwide drive to mobilize artists, intellectuals and writers in support of the VCP, a new campaign of harassment and intimidation was launched against dissident VCP writers and intellectuals. Nguyen Thanh Giang (General Secretary of the National Institute of Geography), Ha Si Phu (scientist and essayist), Tieu Dao Bao Cu (writer), Bui Minh Quoc (poet) and Hoang Tien (writer and human rights advocate) were summoned for interrogation by the police, pressured to make confessions and/or submitted to unjustified administrative harassments. They were also threatened with

punishment if they gave any interviews to the overseas media. The telephone lines of all those cited above have either been cut or closely tapped.

7. Furthermore, during 1997, a number of monks from the Unified Buddhist Church of Vietnam (UBCV, the independent, traditional Buddhist Church adhered to by 80 per cent of the Vietnamese population) were placed in detention under police guard in pagodas belonging to the State-sponsored Vietnam Buddhist Church or other unlawful locations without any justification or charge. Many of these monks had just been released from prison, e.g. Thich Tri Tuu (secular name Le Quang Vinh), superior monk of the Linh Mu pagoda in Hue, detained in solitary confinement at the State-sponsored Tay Thien pagoda in Hue since his release from prison on 7 March 1997; Thich Hai Tang (Nguyen Dinh Hoa), now detained in Quang Tri province; Thich Hai Thinh (Le Phu Thinh) and Thich Hai Chanh (Nguyen Chon Tam), both arrested without charge in November 1996, now under house arrest in their home villages. Other UBCV monks returning from prison have not been allowed to return to their pagodas and continue their religious activities. Released in July 1996, Thich Hanh Duc (Vo Hanh Duc), superior monk of Son Linh pagoda in Vung Tau-Ba Ria province, was prohibited from returning to his pagoda and his pagoda has been confiscated by the authorities, along with all his possessions. Thich Hanh Duc is homeless today. The FIDH and the Vietnam Committee are deeply concerned that such practices of arbitrary arrest and detention without trial have now been legalized by Decree 31/CP on "Administrative detention" adopted on 14 April 1997. This decree authorizes "administrative detention" for any citizen "infringing on national security", whose offence is "not serious enough to be prosecuted criminally". Citizens under "administrative detention" are detained for a period of six months to two years under police surveillance in a place chosen by the authorities. Detainees must make regular reports and self-criticisms, and are encouraged to become informers for the police. Decree 31/CP thus gives the authorities extrajudicial powers to sanction any act perceived as a threat to "national security" even if it does not infringe criminal law, and to detain citizens without a court order. It codifies, moreover, the State's existing mechanisms of surveillance and control, especially in respect of the Buddhists, and plunges the whole population into a climate of suspicion.

8. Repression against Buddhist clergy and followers intensified significantly in 1997. Simply because they support the UBCV, Buddhist monks have been subjected to continuous impromptu police controls, interrogated on their every movement, subjected to residence-permit checks (i.e. the obligatory ho khau, without which people become illegal citizens) and intimidation. Many Buddist pagodas were confiscated, ransacked or destroyed. In the provinces of Kon Tum, Dac Lac, Gia Rai and Binh Thuan alone, more than 120 UBCV pagodas were vandalized or confiscated in 1997. The authorities also continued their campaign to disband the UBCV "Buddhist Youth Movement" and force its 300,000 members (aged between 6 and 18) to join the Communist Youth Movement. In protest against the disbanding of their movement, as the FIDH and the Vietnam Committee informed the Commission last year, 200 young Buddhists pledged to immolate themselves in Viet Nam.

9. The FIDH and the Vietnam Committee remain deeply concerned about the situation of: UBCV Patriarch Thich Huyen Quang (Le Dinh Nhan), detained without trial for the past 15 years, now under arrest in a small hut in

Quang Ngai province; UBCV Secretary General Thich Quang Do (Dang Phuc Tue), detained in B 14 prison near Hanoi and UBCV scholars Thich Thi Sieu (Le Manh That) and Thich Tue Sy (Pham Van Thuong), detained respectively in Z30A Re-education Camp, Dong Nai province and Ba Sao camp, Nam Ha province. These monks are all detained for the peaceful exercise of their legitimate right to freedom of expression and religion, and for their defence of human rights, Vietnamese culture and Buddhism. They are all in extremely poor health as a result of harsh detention conditions. UBCV monks Thich Tri Tuu, Thich Quang Do and Thich Thien Minh were declared victims of arbitrary detention by the Working Group on Arbitrary Detention (Opinion 21/1997). Prisoners of conscience in Viet Nam have no right to express their grievances, and all protests in favour of improved prison conditions are severely sanctioned. UBCV monk Thich Nhat Ban (Ho Buu Hoa), 60 years old, detained in Z30A Re-education Camp, Dong Nai province, was locked in a solitary confinement cell and fed on starvation rations in August 1997 after he staged a peaceful protest against ill-treatment and called for the right to adequate food rations and medical care for all prisoners. Alarmed by the monk's serious state of health, the FIDH and the Vietnam Committee called on the Working Group on Arbitrary Detention to intervene urgently on his behalf in July 1997. Reports indicate that his health has seriously deteriorated since, and he is still in solitary confinement. Furthermore, in order to prevent prisoners from organizing protests during the Francophone Summit in Hanoi (14-16 November 1997), the Vietnamese authorities transferred 150 political prisoners from Z30A camp to a disciplinary camp (K2) in the depths of the forest. These prisoners are still detained there today, cramped in solitary confinement cells only 2.5 square metres in size, fed on minimum rations of rice and salt water. Amongst these political prisoners, besides Thich Nhat Ban, are several UBCV monks, i.e. Thich Khong Tanh (Phan Ngoc An), Thich Thien Minh (Huynh Van Ba) and Thich Hue Dang (Nguyen Ngoc Dat). Other prisoners include Catholic priest Nguyen Chau Dat, Hoa Hao dignitary Tran Huu Duyen (81 years old), Thai Phi Kich, Nguyen van Bien, Nguyen Thanh Hong, Nguyen Viet Dao and Nguyen van Tuu.

10. Under these circumstances, it is most urgent that the SRV Government accede to the Working Group on Arbitrary Detention's proposal of a follow-up visit to Viet Nam pursuant to its preliminary visit in October 1994. The FIDH and the Vietnam Committee on Human Rights therefore call on the Commission on Human Rights to press the SRV to take all necessary steps during this current session to ensure that this visit may take place as soon as possible.